

**ADOPTION OF AN AMENDMENT TO CHAPTER 112
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Monday, July 26, 2004, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:**

Amend Chapter 112 (Zoning Ordinance), as follows:

Amend Appendix 1, Historic Overlay Districts, Part 3, Sully Historic Overlay District, as follows:

- Amend Sect. A1-301, Purpose and Intent, to read as follows:

The Sully Historic Overlay District is created to protect against destruction of the Sully historic landmark and the associated structures and cultural landscape; to encourage uses which will lead to its continuance, conservation and improvement; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced. The Sully Historic Overlay District is uniquely located adjacent to Dulles International Airport. In recognition of the potential for industrial uses surrounding the historic property, Sully is currently the only Historic Overlay District that requires a 200 foot wide planted buffer around the historic property. In addition, the Sully Historic Overlay District was created to encompass land areas located within one-fourth (1/4) mile of the Sully Property, making it one of the largest Historic Overlay Districts established by this Ordinance.

- Amend Sect. A1-302, Permitted, Special Permit and Special Exception Uses, to read as follows:

All uses permitted by right, special permit and special exception in the underlying zoning districts, except as follows:

1. In residential developments, commercial uses shall be limited to those uses permitted by right, special permit, special exception or as either an accessory service use or home occupation pursuant to Article 10.
2. Industrial uses shall be limited to those uses permitted by right, special permit or special exception in the I-4 District and outdoor storage in association with a warehousing establishment subject to the provisions of Sect. 303 below.
3. Except as allowed by Paragraphs 1 and 2 above, no commercial uses shall be permitted.

- Amend Sect. A1-303, Use Limitations, by revising Par. 5 to read as follows:

5. A planted buffer having a 200 foot minimum width shall be provided along all lot lines which are contiguous to the Sully property, as defined by Tax Map Parcels 34-2 ((1)) 13 and 14. If the Park Authority acquires additional land area for the Sully property, the 200 foot wide planted buffer requirement shall only be applicable along those lot lines contiguous to the Tax Map Parcels identified above and shall not be altered by such acquisition. The minimum planting shall be in accordance with standards established by the ARB.

- Amend, Sect. A1-305, Bulk Regulations, to read as follows:

1. Maximum building height: 35 feet, subject to increase up to 60 feet as may be permitted by the Board in accordance with the provisions of Sect. 9-607 and only when located within the historic district and within 500 feet of the Sully Historic Overlay District perimeter boundary. In no event however, shall such approval for a height increase permit the actual height of any building to exceed 65 feet as measured from grade to the top of any roof or rooftop structure.
2. Minimum yard requirements: As specified in the underlying zoning districts, except structures developed on land contiguous to the Sully property, as defined by Tax Map Parcels 34-2 ((1)) 13 and 14, shall be located no closer than 200 feet to the Sully property line, except where such limitation would preclude permitted uses. In such a case, the minimum yard and building location requirements shall be as determined by the ARB. If the Park Authority acquires additional land area for the Sully property, the 200 foot minimum yard requirement shall only be applicable along those lot lines contiguous to the Tax Map Parcels identified above and shall not be altered by such acquisition.
3. Maximum floor area ratio: As specified in the underlying zoning districts

Amend Article 9, Special Exceptions, Part 6, Category 6 Miscellaneous Provisions Requiring Board of Supervisors' Approval, Sect. 9-607, Provisions for Approving an Increase in Building Heights, as follows:

As set forth in the C-3, C-4, C-6, C-7, C-8, C-9, I-1, I-2, I-3, I-4, I-5, I-6 and Sully Historic Overlay Districts, and as applicable to all Group 3, Institutional Uses and Category 3, Quasi-Public Uses, the Board may approve a special exception for an increase in height above the maximum building height regulations specified for the zoning district or a given use, but only in accordance with the following provisions:

1. An increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan.
2. An increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands.
3. An increase in height may be approved in only those instances where the remaining regulations for the zoning district can be satisfied.
4. An increase in height up to 60 feet may be approved in the Sully Historic Overlay District when located within the historic district and within 500 feet of the Sully Historic Overlay District perimeter boundary and when it can be demonstrated by the applicant that the proposed structures, including all rooftop structures excluded from the maximum height regulations pursuant to Sect. 2-506 and those portions of the roof excluded from the building height calculations in accordance with the definition, are compatible with and do not have detrimental impacts on the Sully property in terms of mass, scale, color and visual impact and when such increase in height is in compliance with Federal Aviation

Administration standards. Other factors to be considered when determining the impact of an increase in height may include, but not be limited to, changes to existing topography, presence of existing vegetation and the building lighting and signage. The actual building height as measured from the grade to the top of any roof or rooftop structure shall not exceed 65 feet.

This amendment shall become effective on July 27, 2004 at 12:01 a.m.

GIVEN under my hand this 26th day of July, 2004.

NANCY VEHRS
Clerk to the Board of Supervisors